



**Request for City Council Committee Action
From the City Attorney's Office**

Date: April 9, 2002
To: Ways & Means/Budget Committee
Referral to: None

Subject: Jerome Howard Claim

Recommendation: That the City Council approve settlement of the claim filed by Jerome Howard from an incident of August 9, 2001, in the amount of \$6,250.00 payable to Jerome Howard and his attorney, Jonathan G. Steinberg, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by:


Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This incident involves a claim arising from an incident on August 9, 2002. The claim was negotiated and a tentative settlement reached before a lawsuit was filed. If a suit were to be filed it would most likely include allegations of excessive, illegal search and seizure, assault, battery and failure to properly train and supervise police officers.

On August 9, 2001, at approximately 1:00 a.m., a police department canine unit was assisting in the search for a fleeing suspect who was possibly armed. The officer received information that the suspect had fled into 3438 Penn Avenue North. The officer entered the building and announced himself. The officer got no response. He began to search. Mr. Howard was upstairs in bed. The dog located Mr. Howard. The dog was holding Mr. Howard by his shorts and thigh when the officer arrived. Mr. Howard had his hands down and the dog was not called off until the officer saw Howard's hands. Mr. Howard was handcuffed and placed into a squad car. Subsequent investigation revealed that Mr. Howard was not the suspect and was legally present in the duplex. The suspect the police were seeking had fled into the duplex next door to Mr. Howard's residence. Mr. Howard was transported by ambulance to the Hennepin County Medical Center for treatment.

Mr. Howard suffered four small puncture wounds in the left upper thigh and superficial wounds on both hands. The wounds were cleaned and he was released with medication and wound care instructions. Mr. Howard had no medical insurance.

Mr. Howard alleges that he had been living at 3438 Penn Avenue North for a year. He alleges that he was in bed asleep and did not hear any knocking or warning from the police. He alleges that he was bitten after the officer ordered the dog to bite him and after the officer had determined that he did not resemble the suspect. Mr. Howard claims that his leg still hurt a week after the incident and that he experienced dizziness and nausea that he attributes to the medication that was prescribed to him at the medical center. Mr. Howard alleges that his leg still hurts on occasion and he has scars on his thigh. He claims that the incident has affected his ability to sleep at night and that he has experienced heart palpitations.

Mr. Howard initially demanded \$30,000.00 to settle his claims. Over a series of several months a tentative settlement was reached at \$6,250.00.

We believe that settling this claim before it results in a lawsuit is in the best interests of all parties. A lawsuit would involve added expenses, including the potential for the payment of Mr. Howard's attorney's fees by the City of Minneapolis. Mr. Howard was an innocent third party who was aroused from sleep by the entrance of a police dog and suffered an injury. The police officer believed that he was in hot pursuit of a fleeing armed suspect who had just entered Mr. Howard's building. The proposed settlement resolves all claims for costs, attorney's fees and damages that Mr. Howard has arising from the August 9, 2001, incident.